

E

ORIGINAL

1

2

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

3

-----X

DOMINIK DIFRISCO & SUSAN DIFRISCO,

4

PLAINTIFFS,

5

-against-

6

MARRIOTT INTERNATIONAL, INC.

7

DEFENDANTS.

8

-----X

9

10

DATE: April 7, 2008

11

TIME: 5:55 p.m.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STATEMENT in the above-entitled matter, at
the above date and time, held at the Offices of
White Fleischner & Fino, 61 Broadway, New York,
New York 10005, before a Notary Public of the
State of New York.

1

2 A P P E A R A N C E S:

3

4 RUSSO, KEANE & TONER, LLP

Attorneys for the Plaintiffs

5

26 Broadway

New York, New York 10004

6

BY: NO APPEARANCE

7

8 WHITE FLEISCHNER & FINO, LLP

Attorneys for the Defendant

9

61 Broadway

New York, New York 10005

10

BY: PAUL FINO, ESQ.

11

12

13

* * *

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

MR. FINO: Let the record reflect

4

that it is now 5:55 p.m. on April 7, 2008.

5

There has been no appearance by the

6

non-party witness, Ms. Aimee Yohan.

7

There has been no telephone call nor

8

any communication from her to this office

9

explaining that she would not be attending

10

this deposition.

11

Let the record further reflect that

12

Ms. Yohan had previously been subpoenaed to

13

appear in this office on February 20, 2008

14

at 10:00 a.m. in the morning, and at that

15

time she also did not appear, nor was there

16

any phone call explaining her absence.

17

Her appearance today at 5:00 o'clock was

18

ordered by Magistrate, Debra Freeman, on

19

April 1, 2008, directing that the parties

20

are to conduct a deposition of Aimee Yohan

21

on April 7th at 5:00 p.m., with the

22

deposition not to proceed past 6:00 p.m.

23

24

(Continued on the next page.)

25

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

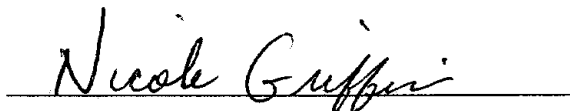
24

25

Again, there has been no telephone calls, no letter, no email, no fax explaining why she did not come to my office at 5:00 p.m., nor curiously is there any appearance by counsel representing the plaintiffs, from the office of Russo, Keane & Toner, nor have they called, emailed or faxed any reason or reasons why they are not here and ready to proceed with the deposition. Thank you.

(Whereupon, at 5:58 p.m., the above matter concluded.)

I, NICOLE GRIFFIN, a Notary Public for and within the State of New York, do hereby certify that the above is a correct transcription of my stenographic notes.



NICOLE GRIFFIN